

REMARKS

Claims 1-16 remain in this application. Claims 15 and 16 were merely objected to as being dependent from rejected claims.

Claims 2-6 have been canceled and new claims 17 and 18 added. Claims 1-14 have been rejected. New claims 17 and 18 correspond to originally-filed claims 5 and 6.

Claims 1 and 15 have been amended to limit claims 1-16 to embodiments comprised of linen cloth material. No new matter has been added by this amendment, full support for which can be found on page 4, line 6, of the originally-filed specification.

New independent claim 19 has been added to generically claim embodiments wherein the pouch material is of a different thickness than the base material. This new claim is fully supported by the originally-filed application, including originally-filed claims 15 and 16. Claims 15 and 16 have been amended to depend from claim 19.

Rejections Under 35 U.S.C. § 102

Claims 1-3, 7, 8, 10, 13 and 14 have been rejected under 35 U.S.C. § 102(b) as being anticipated by Debronsky, Jr. et al. (U.S. Pat. No. 5,797,142). Claims 1, 2 and 11 are rejected under 35 U.S.C. § 102(b) as being anticipated by Sutton (U.S. Pat. No. 2,119,895). Claims 1, 2, 11, 13 and 14 are rejected under 35 U.S.C. § 102(b) as being anticipated by Moss

(U.S. Pat. No. 5,326,610). Claims 1, 9 and 12 are rejected under 35 U.S.C. § 102(b) as being anticipated by Benedict (U.S. Pat. No. 2,006,708). Claims 2-16 have been canceled. Applicant respectfully traverses the rejections to the remaining claims under 35 U.S.C. § 102 in light of the amendments to the claims herein, as explained immediately below.

Each of claims 1 and 7-14 are now limited to embodiments made of "linen cloth material." None of the cited references disclose the use of linen cloth material. Accordingly, claims 1 and 7-14 no longer can be said to be anticipated by any of the cited references. Accordingly, the rejections under 35 U.S.C. § 102 should be withdrawn.

Moreover, applicant submits that there would be no reason for one of ordinary skill in the art to have modified the wash cloths and towels taught in the cited references to be constructed from "linen cloth material." Linen cloth material is unsuitable for use in wash cloths and towels.

Rejections Under 35 U.S.C. § 103

Claims 4-6 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Moss in view of Orr (U.S. Pat. No. 3,871,027). Claims 4-6 have been canceled. Accordingly, the rejection of these claims under 35 U.S.C. § 103 is now moot. However, claim 17 is a restatement of claim 5, now in independent form, and claim 18 is a restatement of claim 6. Applicant submits that no new rejection of claims 17 and 18 should be made under 35 U.S.C. § 103 for the reasons immediately set forth below.

Contrary to the position of the examiner, it would not have been obvious to those of ordinary skill in the art to have conceived the claimed handkerchief with pouch by reading the Moss reference (directed to a wash cloth having a pocket for retaining an object) and the Orr reference (directed to a burp pad and bib). In fact, the notion seems quite ridiculous. It is the examiner's logic that it would be obvious to incorporate the paper materials taught by Orr to "increase the availability of the [wash cloth] article [taught by Moss] to absorb liquids and lower manufacturing costs." The suggestion that it would be obvious to fashion the Moss wash cloth out of a paper material is clearly in error. Those of skill in the art would find no incentive whatever to fashion a wash cloth -- with pouch -- out of a paper material. The wash cloth would be immediately ruined upon its first use. While it might have been obvious to fashion a wash cloth from a paper material, i.e., to make a conventional paper towel, there would be no incentive to incorporate a pouch into such a product. Accordingly, the rejection of originally-filed claims 5 and 6 under 35 U.S.C. § 103 was ill conceived at best, and no similar rejection should be made of new claims 17 and 18.

Claims Previously Deemed Allowable

Claims 15 and 16 were objected to as being dependent from rejected base claims. By the amendments herein, new generic base claim 19 has been added and claims 15 and 16 have been amended to depend from this new claim. Since claims 15 and 16 were previously deemed allowable, it is believed that claim 19 is allowable. Accordingly, claims 15, 16 and 19 are believed to be in condition for allowance.

CONCLUSION

For the reasons set forth above, applicant respectfully submits that all of the claims remaining in the application are now in condition for allowance. Accordingly, reconsideration, reexamination and allowance of all claims is requested.

Respectfully submitted,

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I hereby certify that this correspondence is being deposited with the U.S. Postal Service as First Class Mail in an envelope addressed to: BOX RESPONSE, Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia, 22313-1450, on October 13, 2004.

Signed: October 13, 2004

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